IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re:		
	Applicant:	Claudio Miguel SUAREZ, et al.
	Application No.:	10/517,331
	Filing Date:	December 9, 2004
	For:	**TRANSFER LAYER OF LIQUID FLUIDS AND AN ABSORBENT ARTICLE INCORPORATING THE SAME**
	Confirmation No.:	2921
	Examiner:	Michael G. BOGART
	Art Unit:	3761
	Attorney Docket:	331.1082
	Customer No.:	23280

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 27, 2009

APPELLANTS' SUPPLEMENTAL REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

Appellants submit this Reply Brief for consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the supplemental Examiner's Answer dated July 7, 2009 and in support of their appeal of the Final Office Action that was issued on September 10, 2007. Appellants respectfully reassert each of the arguments asserted in Appellants' Brief dated May 5, 2008 and the Reply Brief dated January 13, 2009 and provides herein only additional comments in response to the arguments raised in the Examiner' Answer dated July 7, 2009.

No fee is believed required. If any fee is required at this time, the Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

ARGUMENTS

Claims 11 and 24

The supplemental Examiner's Answer dated July 7, 2009 simply does not address the claim language. "Predominantly hydrophobic" cannot be so broad as to have no meaning. Under any possible reasonable interpretation of "predominantly hydrophobic," Roxendal does not show or teach that the transfer layer (5d) comprises a top layer of "predominantly hydrophobic" fibrous material. In fact, the top layer 5d of resilient acquisition layer 5 in Roxendal is hydrophilic as the layer 5d is attempting to pass liquid towards layer 24 using a hydrophilicity gradient. (Roxendale, page 12, lines 14 to 16). Thus, one of skill in the art would clearly understand that because the top layer 5d of the resilient acquisition layer 5 in Roxendal seeks to pass water containing liquid, it is in no way "predominantly hydrophobic" since a hydrophobic layer lacks affinity for water containing liquid. Because the resilient acquisition layer 5 is different from the "transfer layer" required by claims 11 and 24, claims 11 and 24 are not anticipated by Roxendale.

Based on the foregoing and the arguments asserted in Appellants' Brief dated May 5, 2008 and the Reply Brief dated January 13, 2009, reversal of the rejection under 35 U.S.C. 102(b) of claims 11 and 24 is respectfully requested.

Claim 12

It is respectfully submitted that in the embodiment of Roxendale that includes layers 5d and 5e, the hydrophilicity gradient in the z-direction forces water through downward across the entire surface of layer 5 (Roxendale, page 12, lines 14 to 16). As a result, water does not accumulate at the surface of layer 5d and no superficial liquid distribution to bonded points of layer 5 occurs in Roxendale. Thus, Roxendale does not disclose the limitation of claim 12 of "wherein the plurality of peaks define zones of superficial liquid distribution to the channels" and claim 12 is not unpatentable as anticipated by Roxendale.

Based on the foregoing and the arguments asserted in Appellants' Brief dated May 5, 2008 and the Reply Brief dated January 13, 2009, reversal of the rejection under 35 U.S.C. 102(b) of claim 12 is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this Reply Brief is respectfully requested.

Respectfully submitted,

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